Expiry Date – 11/4/18 ppa to 25/7

Development Control – Delegated Officer Report

Application Number: AWDM/1884/17 Recommendation – Grant

Site: **Car Parking Space, Crown and Anchor, 33 High Street, Shoreham.**

Proposal: **Partial demolition of garden wall east of parking area to approximately 1m high with cedar planting boxes atop, new gate and extended fence. Change of Use from parking area to seating area.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 7/3

Site and Surroundings

This application relates to the Crown and Anchor Pub on the south side of Shoreham High Street in the heart of Shoreham Conservation Area. The pub is not listed but is identified as a positive indicator building in the conservation area appraisal.

The pub has a garden at the rear which abuts the sea wall. The garden is enclosed by a flint wall on its west side. Outside of this wall is a small parking area identified as within the ownership of the pub which can accommodate approximately 6 cars, parked in a tandem arrangement 3 abreast. This space is accessed directly off the High Street and also serves a car park to the rear of the Santander building society which is to the west of the access. The pub's car parking area is partly enclosed by a sub station and its depth is curtailed by a change in surface which delineates a riverside walkway which appears to extinguish at the pub garden. The pub's refuse arrangements are in this area adjoining the pub wall.

Proposal

Planning permission is sought for a change of use of part of this parking area into an additional seating area for pub customers. Plans indicate the area (7.5m x 8m) could accommodate up to 24 additional seats and leave space for two cars to be parked. The existing garden boundary wall is to be reduced in height to 900mm with cedar planters on top and also shortened in length by approximately 1 metre at the southern end and the existing fence extended. 900mm high post and rail fencing will separate the reduced parking area from the increased seating area. A 1.8 metre high fence, 5 metres in length, is shown to extend off the sub station and parallel with the remaining parking spaces.

Relevant Planning History

ADC/0530/08 - Railings on river wall and parking bollards. Granted 2.1.09

Consultations

Highways:

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The applicant has provided documentation outlining the existing delivery arrangement at the site and the minimal effect that the proposed would have on the arrangement.
It is accepted that the delivery vehicles may use the parking area to turn and egress the site however the car park is not within with red edge ownership of the applicant and therefore could not be guaranteed for use currently for a turning provision.

The Local Highways Authority (LHA) note from site photography that the parking arrangement within the private car park is more of an ad hoc arrangement and that cars are not using defined parking bays. With this arrangement in mind the LHA does not consider that the alterations proposed would generate any material change or severe safety concern over the existing arrangements.

From knowledge of the local area, it is acknowledged that High Street Shoreham is a busy A classified road subject to 30mph speed restrictions. Should the delivery vans be required to reverse from the parking area it is considered that the traffic lights either side of the site create natural breaks in traffic to allow a manoeuvring vehicle to egress safely. Wide footways along the High Street also allow pedestrians to anticipate an oncoming vehicle emerging from the side access.

It has been outlined by the applicant that staff of the pub are encouraged to travel via sustainable transportation methods rather than use of a private car, similarly staff are not prohibited to park within the parking area to the rear of the building. The two parking spaces are already in use by the pub and are assigned to the resident manager of the pub and cleaning staff whom visit the site early in the morning. This would be an existing practise.

The LHA advises however that the LPA monitors the amount of overspill parking that occurs as a result of this application to ensure that it is not having an adverse effect on the highway.

Key parts of the network are served with parking restrictions to prohibit parking in unsafe locations and any illegal or unsafe parking could be dealt with as an offence under Section 22 Road Traffic Act 1988– (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

Further to this, short stay parking alternatives can be found in the nearby Middle Street car park and the laybys off of High Street. Busses run regularly along High Street offering services to Brighton and Littlehampton, and Shoreham by Sea railway station is located a

7min walk from the proposed, allowing for sustainable alternatives to the use of a car for both staff and residents.

Based on this consideration, the LHA raises no "severe" highways safety and capacity concerns with the proposal.

Health – *No objection. I have been down to the site again to look at this and the refrigeration on the other side.*

I still have no objections to what has been proposed. I would condition the use of the new area to cease at 11pm and for no amplified music/speakers to be located in this area. You could ask for some higher fencing or screening facing the flats.

It is unclear what lighting if any is being proposed for the area but low level lanterns or lanterns underneath Parasols may be the best option.

In response to the applicant's query regarding a proposed condition limiting the hours of use of the extended garden Health advises:

Planning looks at land use whereas licensing looks at controlling that use. They are separate regimes. The standards in planning are to protect amenity and to prevent adverse noise effects, whereas the licensing objective is to prevent public nuisance. You could have an adverse impact from noise that does not amount to a public nuisance. I would therefore stick with an 11pm closure of the new beer garden area. It would not be difficult to move customers from the new area to the existing beer garden at 11pm so they are further away from the residential property.

Representations

Two objections received from residents of Town Quay Apartments summarized as follows:

1. The pub has already acquired additional garden land courtesy of the Environment Agency.

2. Town Quay apartments are very close to the pub. The high brick wall protects us form the revelry.

3. The proposed 'squatting' on adjacent land would cause disturbance.

4. Works to demolish the wall has already begun and the gate recently erected is already off its hinges.

5. The new post and rail fence will prevent access to the High Street from the river walk or garden unless going through the pub. People who do not wish to go through the pub will have to turn round and access the High Street via Town Quay.

6. This change of use will result in an increase in noise for us. Overspill into this area has already occurred so we have experienced the increased disturbance. The wall may not be attractive but it provides some screening.

7. Where will those who currently park in this area go when the numbers are reduced to just 2 spaces? The spaces opposite are for Santander customers.

8. Land Registry plans do not show the land in question is owned by the pub. We feel strongly that this land should be retained for parking purposes and not lost further exacerbating a parking problem in the area. Town Quay garages are frequently being blocked in.

9. Encouraging people to drink alongside the river wall is dangerous. We have seen revelers walking along it with pints in their hands and children playing on it whilst their parents drink in the garden.

10. Please consider neighbours when making this decision. There are already a number of drinking establishments and pubs in the area which make very noisy, especially in the summer.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2012
Adur Local Plan 2017 Policies 1, 2, 11, 15, 16, 26 and 33.

Planning Assessment

Principle

The principle of development can be supported as it upgrades a public house within the town centre boundary. For consideration is the impact of the extended outdoor seating on neighbour amenity and on the appearance of the area. Also for consideration is the loss of parking spaces available to the pub and potential loss of off street servicing.

Highway issues

The highway authority does not object to this application. On site staff parking will be reduced but the site is in the town centre in a highly accessible location. Servicing is from the rear but should not be any more difficult than at present. It can also take place from the front when on street service bays are available.

Neighbour amenity

The greatest impact is likely to be on neighbour amenity from noise associated with the use of the extended beer garden. This area of land is partly enclosed by a substation but the increased seating will be visible to residents in Town Quay and above Tosca restaurant. The reduction in the height of the garden wall will also allow views into the original garden.

As this is a Town Centre location Environmental Health officers have not raised any objection to the proposal. They do not consider the reduction in height of the garden wall will significantly increase noise exposure to residential neighbours but suggest further fencing to the west. They are also of the view that as this is a town centre

location noise from commercial uses is to be expected. However, they do wish to see conditions added that

i. requires use of the extended garden to cease at 11pm

ii. no amplified music played in any part of the extended garden area.

iii. no external lighting is added to the extended garden

The applicant has confirmed that no external lighting or amplified music is proposed. He thinks the hours of use of the extended garden should be left as a licensing issue. Our own Health team want to see it added as a condition. An extra 5 metre length of fencing has been added parallel to the remaining 2 parking spaces, 1.8 metres high to provide improved screening of this area.

Heritage

The reduction in height of this wall does not need consent. Its loss is not of heritage significance. Further outdoor seating in a town centre location along the river would not be out of character.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years
3. use of extended garden to cease at 11pm each night.
4. No amplified music in or lighting of the extended garden area.
5. Fencing erected prior to first use.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? Yes

Case Officer signed:	MOK	Date: 23.7.18
Authorised and signed by:	Peter Barnett	Date: 24 July 2018